

Office - Supreme Court, U. S.

FILED

FEB 4 1943

CHARLES ELMORE ADOLPH
CLERK

IN THE
Supreme Court of the United States

No. **706**

QUALITY AND SERVICE LAUNDRY, INC., *Petitioner,*

v.

NATIONAL LABOR RELATIONS BOARD, *Respondent.*

**PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE FOURTH CIRCUIT AND BRIEF IN SUP-
PORT THEREOF.**

WALTER L. GREEN,
Maryland Building,
Hyattsville, Maryland.

LOUIS A. SPIESS,
1317 F Street, N. W.,
Washington, D. C.
Counsel for Petitioner.



INDEX

	Page
Opinions below	1
Jurisdiction	2
Summary statement of matters involved	2
Question presented	3
Statutes involved	3
Argument	5
Conclusion	10

CITATIONS

CASES:

Crouse v. State of Maryland, 163 Md. 431.....	3, 6, 8, 9
N. L. R. B. v. Fansteel Metal. Corp., 306 U. S. 240...	3, 10
N. L. R. B. v. Thompson Products, Inc, 97 Fed. (2nd)	
13	3, 7



IN THE
Supreme Court of the United States

No.

QUALITY AND SERVICE LAUNDRY, INC., *Petitioner,*

v.

NATIONAL LABOR RELATIONS BOARD, *Respondent.*

**PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE FOURTH CIRCUIT.**

*To the Chief Justice of the United States and Associate
Justices of the Supreme Court of the United States:*

Quality and Service Laundry, Inc., a body corporate, the petitioner above named, respectfully prays that a Writ of Certiorari issue to review the judgment of the United States Circuit Court of Appeals for the Fourth Circuit affirming a decision and enforcing an order of the National Labor Relations Board. Judgment was rendered in the Circuit Court of Appeals on November 6, 1942, their number 4983, reported in 131 Fed. (2nd) 182.

This was a petition to enforce a decision of the National Labor Relations Board ordering, among other things, the petitioner to offer, upon application, reinstatement to certain employees, eight of whom while on strike had collected money belonging to petitioner's customers, retained it, and converted it to their own use.

JURISDICTION.

The jurisdiction of this Court is invoked under Section 240 (A) of the Judicial Code as amended, Title 28 U. S. C., Sec. 347; and Sec. 10 (E) and (F) of the National Labor Relations Act 29 U. S. C., Sec. 160.

SUMMARY STATEMENT OF MATTERS INVOLVED.

Petitioner is a Maryland corporation operating a laundry at Bladensburg, Maryland. It was charged with certain unfair labor practices and on March 31, 1942, the National Labor Relations Board issued its decision setting forth its findings of fact, conclusions of law, and order, reported in Vol. 39 P. 970, N. L. R. B.

The Board ordered respondent to cease and desist from its unfair labor practices; upon request to bargain collectively with the Union; to reinstate, upon application, certain of its striking employees, eight of whom had collected after the strike began, retained in their possession and converted to their own use, funds of the petitioner. The petitioner charged that these employees were guilty of the crime of "Embezzlement". Nevertheless, the Board ordered the petitioner to make whole with back pay those among them whom the petitioner may have already improperly denied, or might thereafter improperly deny reinstatement.

The Board petitioned the Circuit Court of Appeals for the Fourth Circuit to enforce said order. The Court found that there was evidence to support the order and enforced same.

QUESTION PRESENTED.

The case presents the question, whether striking employees are entitled to reinstatement, if while on strike they collect money belonging to the employer, fail and refuse to turn it over to the employer, and convert it to their own use.

REASONS RELIED UPON FOR THE ALLOWANCE OF THE WRIT.

(1) The United States Circuit Court of Appeals for the Fourth Circuit has decided an important question of law in conflict with the decision of the United States Circuit Court of Appeals for the Sixth Circuit on the question involved herein.

National Labor Relations Board v. Thompson Products, Inc., 97 Fed. (2nd) 13 at page 16.

(2) The United States Circuit Court of Appeals for the Fourth Circuit has decided an important question of local law (Maryland) in a way probably in conflict with the Maryland statute and in conflict with applicable Maryland decisions.

Sec. 140, Article 27 Annotated Code of Maryland.
Crouse v. State of Maryland, 163 Md. 431.

(3) The United States Circuit Court of Appeals for the Fourth Circuit has decided an important question of law in conflict with the decision of the Supreme Court of the United States.

National Labor Relations Board v. Fansteel Metallurgical Corp., 306 U. S. 240-3.

WHEREFORE, it is respectfully prayed that a Writ of Certiorari be issued out of and under the seal of this Honorable Court, directed to the United States Circuit Court of Appeals for the Fourth Circuit, commanding that Court to certify and send to this Court for its review and determina-

tion the full and complete transcript of the record and all proceedings in the case at bar, their number 4983, and that the judgment of said United States Circuit Court of Appeals for the Fourth Circuit may be reversed by this Honorable Court and that your petitioner may have such other and further relief in the premises as this Honorable Court may deem just and proper and your petitioner will ever pray.

QUALITY AND SERVICE LAUNDRY, INC.,

By ROLAND BERGER,

President.

WALTER L. GREEN,

LOUIS A. SPIESS,

Counsel for Petitioner.

